

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DWAYNE VENGRIS,
Plaintiff,

v.

PERFORMANCE FOOD GROUP, INC.,
Defendant.

Case No. 15-cv-3223-PJH

**ORDER RE MOTION TO DISMISS
AND/OR STRIKE**

On September 28, 2015, the parties in the above-captioned case filed a joint stipulation to hold in abeyance defendant's motion to dismiss and/or strike the complaint. The stipulation informs the court that the parties in a related case are in the process of finalizing a class action settlement that, if approved, would result in the mootng of the class action claims in this case and in the pursuit of an individual settlement of plaintiff's individual claims. Accordingly, the parties request that the pending motion to dismiss and/or strike be held in abeyance.

The court agrees that it is preferable to defer consideration of the motion at this time. However, for administrative purposes, rather than hold the motion in abeyance, the court hereby TERMINATES defendant's motion, without prejudice to re-noticing the motion should the need arise. If the parties decide to go forward with the motion, defendant shall contact the courtroom deputy about desired dates for the hearing and then may re-notice the motion for hearing on any available date. In that event, the parties need not re-file the briefs that have already been submitted.

IT IS SO ORDERED.

Dated: September 30, 2015



PHYLLIS J. HAMILTON
United States District Judge